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7

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

10 HUBB SYSTEMS, LLC,

11 Plaintiff,

12 vs.

13 MICRODATA GIS, INC.,

14 Defendant.
15
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Case No.: C07-02677 BZ

**DECLARATION OF WILLIAM E.
ADAMS IN SUPPORT OF EX PARTE
MOTION TO RESCHEDULE MOTION
FOR PRELIMINARY INJUNCTION ON
ORIGINAL HEARING DATE**

Courtroom G
Magistrate Judge Bernard Zimmerman

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18 I, WILLIAM E. ADAMS, declare as follows:

19 1. I am a partner in the law firm Fitzgerald Abbott & Beardsley LLP, attorneys for
20 Plaintiff HUBB SYSTEMS, LLC ("Plaintiff") in the above captioned matter. I submit this
21 declaration in support of Plaintiff's ex parte motion to rescheduling the hearing date of Plaintiff's
22 motion for preliminary injunction to its original date of August 1, 2007. I have personal
23 knowledge of the matters set forth herein, unless otherwise stated on information and belief, and
24 if called as a witness, I could and would competently testify thereto.

25 2. On June 22, 2007, we filed a Motion For Preliminary Injunction with this Court
26 on behalf of Plaintiff, seeking to enjoin Defendant's use of the trade name "microDATA 911"
27 which infringes on Plaintiff's federally registered trademark and name "DATA911." When we
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1 filed the motion, we selected the earliest available hearing date for this motion based on the
2 Court's online calendar system. The earliest available date was August 1, 2007.


3 3. On or about July 6, 2007, this Court granted the ex parte motion of Defendant
4 microDATA GIS, Inc. ("Defendant") to postpone the hearing date for Plaintiff's preliminary
5 injunction motion, finding good cause in Defendant's stated grounds that there was danger of
6 waste of judicial resources and unnecessary expense, given the pending motion to enjoin this
7 California Court from further action, which microDATA had filed in Vermont.

8 4. On July 9, 2007, the Vermont court ruled on the motion to enjoin the California
9 action. Not only did the Vermont court decline to enjoin this California action, after holding a
10 hearing on this matter it affirmatively stayed the Vermont action until the motions pending
11 before this Court were resolved. A true and correct copy of that Order is attached as Exhibit A
12 to the Request for Judicial Notice, submitted herewith.

13 5. According to Plaintiff's counsel in Vermont, Magistrate Judge Niedermeier
14 announced the Court's basis for that decision from the bench, stating that it was the Court's
15 conclusion that microDATA's suit in Vermont was clearly anticipatory in nature and that a stay
16 of the Vermont action was appropriate until conclusion of the California motions.

17 6. On July 10, 2007, I called Mark Good, Esq., counsel for microDATA in
18 California and left him a voicemail message asking him to stipulate to moving the preliminary
19 injunction hearing date back to August 1, 2007. I have received no response to that phone call.

20 I declare under penalty of perjury as set forth under the laws of the State of California
21 that the foregoing is true and correct and that this declaration was executed on July 11, 2007, in
22 Oakland, California.

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24 
William E. Adams